

21-13755-BB

UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

U.S. SECURITIES AND EXCHANGE COMMISSION,

Plaintiff-Appellee,

v.

IBRAHIM ALMAGARBY & MICROCAP EQUITY GROUP, LLC

Defendants-Appellants,

On Appeal from the United States District Court
for the Southern District of Florida, No. 17-62255-CIV

THE SECURITIES AND EXCHANGE COMMISSION'S RESPONSE TO APPELLANT'S REQUEST TO HAVE THE SAME PANEL CONSIDER THIS CASE AND *SEC v. KEENER* (No. 22-14237)

MICHAEL A. CONLEY
Solicitor

DOMINICK V. FREDA
Assistant General Counsel

DAVID D. LISITZA
Senior Appellate Counsel

ARCHITH RAMKUMAR
Attorney
Securities and Exchange Commission
100 F. Street, N.E.
Washington, D.C. 20549
(202) 551-4886 (Ramkumar)
RamkumarA@sec.gov

**CERTIFICATE OF INTERESTED PERSONS AND CORPORATE
DISCLOSURE STATEMENT**

SEC v. Almagarby, No. 21-13755-BB

Pursuant to Federal Rule of Appellate Procedure 26.1 and Eleventh Circuit Rule 26.1-1, Appellee Securities and Exchange Commission submits this Certificate of Interested Persons and Corporate Disclosure Statement listing all persons and entities with an interest in the outcome of this action:

1. Almagarby International, LLC
2. Aluf Holdings, Inc. (AHIX), microcap issuer
3. Archstone Capital, LLC
4. Augustini, Hope H., attorney for the Commission
5. Access Pharma, Inc. (ALST, AXXE), microcap issuer
6. Berkovitz, Dan, attorney for the Commission
7. Bridgewater Capital, LLC
8. Bulova Technologies Group, Inc. (BTGI), microcap issuer
9. CD International Enterprises, Inc. (CDII), microcap issuer
10. Conley, Michael A, attorney for the Commission
11. Cooke, Hon. Marcia G., District Court Judge
12. Daniels Corporate Advisory Company, Inc. (DCAC), microcap issuer
13. Dewmar International BMC, Inc. (DEWM), microcap issuer

**CERTIFICATE OF INTERESTED PERSONS AND CORPORATE
DISCLOSURE STATEMENT (cont'd)**

SEC v. Almagarby, No. 21-13755-BB

14. East Coast Diversified Corp. (ECDC), microcap issuer
15. Elray Resources, Inc. (ELRA), microcap issuer
16. Energy Revenue America, Inc. (ERAO), microcap issuer
17. Eyes on the Go, Inc. (AXCG), microcap issuer
18. Freda, Dominick V., attorney for the Commission
19. Fusco, Anthony
20. Gold & Silver Mining of Nevada, Inc. (CJTF), f/k/a RainMaker
Worldwide, Inc. (RAKR), microcap issuer
21. Gold and GemStone Mining Inc. (GGSM), microcap issuer
22. Green Energy Enterprises, Inc. (GYOG), f/k/a Quasar Aerospace
Industries, Inc. (QASP), microcap issuer
23. Greenfield Farms Food, Inc. (GRAS), microcap issuer
24. Grid Petroleum Corp. (GRPR)/Simlatus Corporation (SIML),
microcap issuer
25. Halberd Corporation (HALB), microcap issuer
26. Halitron, Inc. (HAON), microcap issuer

**CERTIFICATE OF INTERESTED PERSONS AND CORPORATE
DISCLOSURE STATEMENT (cont'd)**

SEC v. Almagarby, No. 21-13755-BB

27. Healthnostics, Inc. (HNSS), f/k/a Envirotechnologies International, Inc. (ETII), microcap issuer
28. Healthy & Tasty Brands Corporation, a/k/a GRILLiT, Inc. (GRLT), microcap issuer
29. Hunt, Hon. Patrick M., Magistrate Judge
30. Hybrid Coating Technologies, Inc. (HCTI), microcap issuer
31. In Ovations Holdings, Inc. (INOH), microcap issuer
32. Indo Global Exchange(s) Pte, Ltd. (IGEX), microcap issuer
33. InoLife Technologies, Inc. (INOL), microcap issuer
34. InternetArray, Inc. (INAR), microcap issuer
35. Las Vegas Railway Express, Inc. (UTRN), f/k/a United Rail, Inc. (URAL), microcap issuer
36. LIG Assets, Inc. (LIGA), microcap issuer
37. Lisitza, David D., attorney for the Commission
38. Medical Care Technologies Inc. (MDCE), microcap issuer
39. Mining Global, Inc., f/k/a Yaterrea Venture Corp. (MNGG), microcap issuer

**CERTIFICATE OF INTERESTED PERSONS AND CORPORATE
DISCLOSURE STATEMENT (cont'd)**

SEC v. Almagarby, No. 21-13755-BB

- 40. My ECheck, Inc. (MYEC), microcap issuer
- 41. Next Galaxy Corp. (NXGA), microcap issuer
- 42. North American Cannabis Holdings, Inc. (USMJ), f/k/a Algae
International Group, Inc. (ALGA), microcap issuer
- 43. PM&E, Inc. (PMEA), microcap issuer
- 44. PotNetwork Holdings, Inc. (POTN), microcap issuer
- 45. PPJ Healthcare Enterprises, Inc. (PPJE), microcap issuer
- 46. Ramkumar, Archith, attorney for the Commission
- 47. Sanomedics, Inc. (SIMH), microcap issuer
- 48. Seven Arts Entertainment, Inc. (SAPX), microcap issuer
- 49. Urban Ag Corp. (AQUUM), microcap issuer

The Securities and Exchange Commission agrees with appellant Ibrahim Almagarby that this appeal and *SEC v. Keener*, No. 22-14237, should not be “formal[ly] consolidat[ed]” “for any purpose, including oral argument[.]” Mot. 4; *see SEC v. Keener*, Commission’s Opposition to Keener’s Motion to Consolidate, Dkt. 20, No. 22-14237 (11th Cir. Feb. 9, 2023). As the Commission noted in its opposition to Keener’s motion to consolidate, however, while it believes that having the same panel hear both cases is unnecessary given that both appeals are governed by the same precedents, *see id.* at 3, the Commission does not oppose Almagarby’s request, which poses much less of a burden on the Court’s resources and the decisional process than would formal consolidation.

Respectfully submitted,

MICHAEL A. CONLEY
Solicitor

DOMINICK V. FREDA
Assistant General Counsel

DAVID D. LISITZA
Senior Appellate Counsel

/s/ Archith Ramkumar
ARCHITH RAMKUMAR
Attorney
Securities and Exchange Commission
100 F St., N.E.
Washington, D.C. 20549
(202) 551-4886 (Ramkumar)
RamkumarA@sec.gov

February 10, 2023

CERTIFICATIONS

I hereby certify that:

1. This document complies with the type-volume limitations of Fed. R. App. P. 27(d)(2)(A) because it contains 116 words.
2. This document complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and (a)(6) because it has been prepared in a proportionally spaced typeface using Microsoft Office Word in 14-Point Times New Roman.
3. I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Eleventh Circuit by using the appellate CM/ECF system on February 10, 2023.

/s/ Archith Ramkumar
ARCHITH RAMKUMAR
Attorney
Securities and Exchange Commission
100 F St., N.E.
Washington, D.C. 20549
(202) 551-4886 (Ramkumar)
RamkumarA@sec.gov

February 10, 2023